

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Patrick Jerome Peterson,

C.A. No. 3:04-23168

Plaintiff,

vs.

ORDER

Tom Fox,

Defendant.

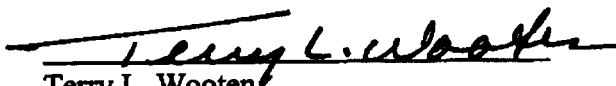
This action, seeking relief pursuant to Title 42, United States Code, Section 1983, was filed by Plaintiff Patrick Jerome Peterson ("Plaintiff"). (Doc. # 1). Defendant Tom Fox ("Defendant") filed a motion for summary judgment and supporting memorandum on May 24, 2005. (Doc. #13). As the Plaintiff is proceeding *pro se*, an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) was issued on May 26, 2005, advising the Plaintiff of the importance of a motion for summary judgment. (Doc. #14). The Plaintiff was specifically advised that he had 34 days to respond and that if he failed to respond adequately, the Defendant's motion may be granted, thereby ending his case. *Id.* The Plaintiff failed to respond. On July 6, 2005, the Magistrate Judge signed an order stating the Plaintiff shall have 15 days to notify the court as to whether he wished to continue to prosecute his case. The Plaintiff was specifically advised that if he failed to respond, his case would be dismissed for failure to prosecute. The Plaintiff did not respond to this order. On July 22, 2005, the Magistrate Judge issued a Report and Recommendation in this case recommending that this action be dismissed pursuant to Fed. R. Civ. P. 41(b). (Doc. # 16). To date,

the Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation. This matter is now before the Court upon the Magistrate Judge's recommendation in his Report that this action be dismissed pursuant to Fed. R. Civ. P. 41(b).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation, and for the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #16), and this action is dismissed pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.


Terry L. Wooten
United States District Judge

January 26, 2006
Florence, South Carolina